

香港藝術發展局的設立

3(6) 以下人士並無資格獲行政長官根據第(3)(a)款予以委任或根據第(4)款被提名—(由 2000 年第 59 號第 3 條修訂)

- (a) 擔任《退休金利益條例》(第 99 章)第 2(1)條所界定的設定職位或非設定職位的人；(由 1997 年第 192 號法律公告修訂)
- (b) 擔任《公務員敍用委員會條例》(第 93 章)第 2 條所界定的司法職位的人；
- (c) 公務員敍用委員會主席；
- (d) 廉政公署的廉政專員、副廉政專員及人員；(由 1997 年第 362 號法律公告修訂)
- (e) 申訴專員及其職員；
- (f) 受僱於立法會行政管理委員會的人；(由 1997 年第 115 號第 12 條修訂；由 1999 年第 78 號第 7 條修訂)
- (g) 任何武裝部隊的現役軍官或成員；
- (h) 在香港以外任何地方的中央或地方政府的受薪政府人員；
- (i) 破產未獲解除的破產人，或破產在先前的 5 年內已解除的人或在先前的 5 年內與其債權人達成債務重整協議的人，而且在上述兩種情況下該人均沒有全數清償拖欠其債權人的債務；
- (j) 根據《精神健康條例》(第 136 章)被判定屬精神不健全及無能力照顧自己及處理其事務的人，而且該人其後並未根據該條例被判定其精神不健全狀況已終止；
- (k) 在香港或任何其他地區或國家被判處死刑或超過 3 個月監禁(不論該監禁刑罰的名稱為何)的人，而且該人並未按判刑或按主管當局所改處的刑罰服刑，亦未獲無條件赦免；
- (l) 在不影響(k)段的原則下，於以下情況下被定罪的人，而委任在或行將在定罪日期之後 10 年內作出—
 - (i) 在香港或任何其他地區或國家被定罪，判處不得以罰款代替而且超過 3 個月的監禁，不論是否獲判緩刑；
 - (ii) 在違反《選舉(舞弊及非法行為)條例》(第 554 章)的情況下作出舞弊或非法行為；或(由 2000 年第 10 號第 47 條代替)
 - (iii) 被裁定犯了《防止賄賂條例》(第 201 章)所訂的任何罪行；及
- (m) 被裁定犯了叛逆罪的人。

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3(6) The following persons are not eligible for appointment by the Chief Executive under subsection (3)(a) or nomination under subsection (4)- (Amended 59 of 2000 s. 3)

- (a) a person who holds an established or non-established office, as defined in section 2(1) of the Pension Benefits Ordinance (Cap 99);
- (b) a person who holds a judicial office as defined in section 2 of the Public Service Commission Ordinance (Cap 93);
- (c) the Chairman of the Public Service Commission;
- (d) the Commissioner, Deputy Commissioner and officers of the Independent Commission Against Corruption;
- (e) the Commissioner for Administrative Complaints and his staff;
- (f) a person who is employed by The Legislative Council Commission; (Amended 78 of 1999 s. 7)
- (g) a person who is serving as an officer or member of any armed forces;
- (h) a person who is a salaried functionary of a government, whether central or local, of any place outside Hong Kong;
- (i) a person who is an undischarged bankrupt or, within the previous 5 years, has either obtained his discharge in bankruptcy or has entered into a composition with his creditors, in either case without paying his creditors in full;
- (j) a person who is the subject of a decision under the Mental Health Ordinance (Cap 136) that he is of unsound mind and incapable of managing himself and his affairs and who has not subsequently under that Ordinance been found to have ceased to be of unsound mind;
- (k) a person who has in Hong Kong or any other territory or country been sentenced to death or imprisonment (by whatever name called) for a term exceeding 3 months and has not either suffered the punishment to which he was sentenced or such other punishment as may by competent authority have been substituted or received a free pardon;
- (l) without prejudice to paragraph (k), a person who has, where the appointment is to be made or is made within 10 years after the date of conviction, been convicted-
 - (i) of any offence in Hong Kong or in any other territory or country and sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine;
 - (ii) of having engaged in corrupt or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554); or (Replaced 10 of 2000 s. 47)
 - (iii) of any offence under the Prevention of Bribery Ordinance (Cap 201); and
- (m) a person who has been convicted of treason.